

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) CUDD PRESSURE CONTROL, INC.)	
)	
Plaintiff,)	
)	Case No. <u>CIV-12-1178-D</u>
v.)	
)	
(1) NEW HAMPSHIRE INSURANCE)	
COMPANY and)	
(2) NATIONAL UNION FIRE INSURANCE)	
COMPANY OF PITTSBURGH, PA.,)	Removed from District Court
)	for Oklahoma County
)	Case No. CJ-2012-47
Defendants.)	

DEFENDANTS' NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Pursuant to 28 U.S.C. § 1441(a), Defendants National Union Fire Insurance Company of Pittsburgh, PA ("National Union") and New Hampshire Insurance Company ("New Hampshire") submit this Notice of Removal. In support of this Notice, Defendants state as follows:

1. The initial petition in this action was filed on or about July 26, 2012 in the District Court of Oklahoma County, Oklahoma. The case was assigned Case No. CJ-2012-4721. Plaintiff served National Union and New Hampshire with process by serving the Oklahoma Insurance Commissioner on October 4, 2012. Defendant National Union is a Pennsylvania corporation engaged in the insurance business with a principal place of business in New York, New York. Defendant New Hampshire is a Pennsylvania corporation engaged in the insurance

business with a principal place of business in New York, New York. The petition seeks venue in Oklahoma County, Oklahoma. A true and correct copy of the district court's docket sheet, including all process, pleadings and orders served on Defendants in the district court action is filed with this Notice as required by 28 U.S.C. §1446 and Local Rule LCvR 81.2, and attached hereto as Exhibits 1 through 7, and made part hereof.

2. Pursuant to 28 U.S.C. § 1446(b), this petition is being timely filed with this Court within 30 days after service of the petition and summons upon Defendants (*i.e.*, within 30 days of October 4, 2012). *See Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354-56 (1999).

3. Plaintiff Cudd Pressure Control, Inc. is alleged to be a Delaware corporation with its principal place of business in Atlanta, Georgia. As noted above, Defendants are Pennsylvania corporations, domiciled in New York. Neither Defendant is a citizen of the State of Oklahoma.

4. Plaintiff's Petition alleges that it has been damaged in excess of \$750,000. (Petition at p. 2 ¶ 9 and pp. 6-7.) It asserts causes of action for breach of contract and breach of good faith and fair dealing against Defendants. Based on the Petition, there is sufficient evidence of an amount in controversy exceeding \$75,000, exclusive of interest and costs.

5. The court's jurisdiction is based on complete diversity of citizenship between Plaintiff and Defendants. Because this action is wholly between citizens of different states, and the amount in controversy exceeds \$75,000 exclusive of

interest and costs, this Court has original jurisdiction over this cause pursuant to 28 U.S.C. § 1332(a)(1).

6. Venue of this removal is proper under 28 U.S.C. §1441 because this Court is the United States District Court for the district corresponding to the place where the state court action was pending.

7. Written notice of the filing of this notice will be given to the Plaintiff and filed with the District Clerk of Oklahoma County, Oklahoma.

WHEREFORE, the Defendants National Union Fire Insurance Company of Pittsburgh, PA and New Hampshire Insurance Company respectfully request that the United States District Court for the Western District of Oklahoma accept this Notice of Removal and that it assume jurisdiction of this action and issue such orders and processes as may be necessary to bring before it all parties necessary for the trial.

JURY DEMAND

Respectfully submitted,

s/Reagan L. Madison

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CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of October, 2012 a true and correct copy of the above and foregoing document was sent via U.S. Mail postage prepaid thereon to the following:

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s/Reagan L. Madsion
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